

Special Proofing Instructions – From COTR

2/7/05 – The applicant may add mistakenly omitted terms, such as “The” and “Inc.” by amendment without filing an assignment. The state of incorporation must stay the same, even with the addition or deletion of a “The” or an “Inc.”. The entity must still be the same entity.

2/9/05 – Proofers are not to make punctuation decisions.

3/7/05 – The 6/3/04 instruction from Dewitt to ignore the quality of the drawings during proofreading, referred ONLY to noise. It does not eliminate the requirement to check to ensure that the image is displayed on gazette as it is displayed on the drawing.

3/14/05 – Joan is having the daily proofing report eliminated. She is getting the weekly report printed daily (Sunday thru Thurs nights) as 8-10 new cumulative daily reports (one per transaction) and ITI will get each report each day.

3/14/05 (from Leslie) – Dates of first use anywhere are often greater than dates of first use in commerce that Congress may regulate. Typically, an applicant may use the mark just within his home state for a period of time, then expand to interstate commerce. Only query this in situations where the dates of first use in commerce are greater than the date of first use anywhere. Here is a correct example:

FIRST USE: 10/01/1988 **USE IN COMMERCE:** 07/31/1989

3/10/05 (From Leslie) – When examiners email you about getting files back into the pub/reg cycle after the files are pulled by TQR, forward the requests to Leslie Bishop. She will handle them.

4/1/505: Questions about International Classes: send email to Jessie Marshall at the TM ID/Class email box.

4/28/05: Priority Proofing Needed. The Office is under considerable pressure to get as many files “disposed” of by the end of the fiscal year. Disposal in this sense is defined as files that either register or abandon. Between now and May 27, please concentrate on proofing and setting OG dates **for files in 681 status and then on other files that are NOT in 773, 819, or 694 status.** Only proof and set OG dates for files in 773, 819, or 694 status if there are no other files on the daily electronic proofing list for you to process. Between May 31 and August 22, concentrate on proofing and setting OG dates for files in 773, 819, and 694 status, only proofing and setting OG dates for files in any other status if there are no other files on the daily electronic proofing list for you to process. However, once the backlog of unproofed files is eliminated, it shouldn’t matter, as you will then be on a 5-day proofing cycle.

Here’s the reasoning: use-based files that have to pub for opposition still have a chance of registering this fiscal year if we schedule pub dates for them NLT May 27 and thus

may "count" towards our organizational performance goals. All the ones that have already pubbed will definitely "count" as long as we get them scheduled for registration NLT Aug 22, allowing us a short window of 4 weeks to concentrate on the former.

If there is any way that ITI can arrange to get all files **that are in 681 status in the** current backlog, proofed and OG dates set by May 27th, with no reduction in the quality, the office would very much be interested in entertaining your proposal. Obviously, time is of the essence.

6/22/05 – Per Dewitt. **Transliterations Madrid 66A Cases**

Do not query Office supplied statements for transliterations. Check the field for spelling, spacing and punctuation.

Example:

Transliteration Incoming from the IB
Woo Hip Har

Office supplied statement

The non-Latin characters in the mark transliterate to Woo Hip Har.

6/23/05, per Dewitt, Please have the proofers check with Dewitt before issuing similar queries for other fields (see above issue).

Daily CM 154

2/1/05: Query Process Update ITI should email the managing attorney with all proofing files for which the proofers have questions, after first ensuring that the query is not a repeat query for the same problem on the same file. ITI should include a biweekly count of files queried on the COTR report. The manager may email ITI's project manager with any questions to ensure that the file is not rejected again. If the manager agrees with ITI, the manager does a 6321 (withdraw credit) which changes the case to a 643 status which will show up in the attorney's docket Web report. The manager can then send an email to the attorney or whatever. If the manager disagrees with ITI, they will do a 6034 with a charge to 657 location, ideally with some explanation. If the manager's decision makes no sense, please get Dewitt's input.

2/1/05: Do NOT receipt in files on the daily or weekly proofing reports! This will totally screw up the process for identifying those in the queue.

3/26/05: ITI will get a CM 157 (special backup, catch up report run on request only). This report will take priority over the CM 154 report, which is provided each day. The criteria for the CM 157 report is no OG record and location = 657, 650 or 651. The files on the CM 157 are NOT on the CM 154 report.

4/4/05: Query Files Report: Weekly report to TMLOXXX reports inbox. This is a weekly report of all files queried by the contractor. Report may be sent out any day of the week, but MUST be done weekly.

- 5/26/05 – Please contact Dewitt first about any filing basis queries you may have.

4/1/05: Questions about being on the proofing list: Send all queries from the outside to TAC. Send internal queries to Leslie.

- General Info: Look at location and charge to location. If the loc is 657 and charge to is the law office, then the law office needs to fix/change/override the proofer's concern.
- If the loc is 657 but the charge to is blank, this was caused by the proofer's receipting in the cases.
- If the loc is the law office and the charge to is blank or somewhere else in the law office, then we'll need to find out what is going on in the law office and the law office will need to charge it to 657 to get it on the proofer's report.

5/5/05: when the proofer's reject the case, they do a 6034 which updates Work Location to the Proofer and Charge to Location to the law office.

5/9/05 – Emails from Managing Attorneys about proofer queries must be forwarded to Leslie Bishop for response. These formerly went to Larry Vandergrift. We want to get the managers in the habit of contacting Leslie about these.

6/14/05 - CM 154 report. Please make sure to start with the new daily CM 154 report each day rather than working off old reports. That way they will not accidentally assign a case to an issue that has been removed from their queue

6/23/05 – When proofers are unable to get an OG category barcode to work, please notify Kathy Dixon immediately! Do not sit on these problems.

6/23/05 – the CM 154 should be emailed by 6 am each day.

6/23/05 – Use only the CM154 report to set the OG category.

6/23/05 – Regarding corrected queries....Kathy Keo should be getting emails ONLY when the LO disagrees with the query. The LO will do a 657 to put the file back onto the CM 154. We know these are getting proofed twice.

6/23/05 – The OG record is built the moment the OG barcode is scanned. However the OG issue date will not display in WebTram until after midnight of the date that the OG barcode is scanned.

6/23/05 – If the OG category barcode “takes”, the Work Location becomes 650 and the Charge To Location is zero'd out.

8/10/05 – Once the CM 154 OG category barcode has been scanned, the proofing process is completed. DO NOT scan additional barcodes on any proofed files as part of the proofing process!

8/16/05 – DO NOT move the color claimed information to the color claimed statement for cases filed before 11/3/05 where the drawing is black and white.

9/1/05: DO NOT accept any special proofing requests from ANY source other than the COTR or Debbie Cohn or Ron Williams.

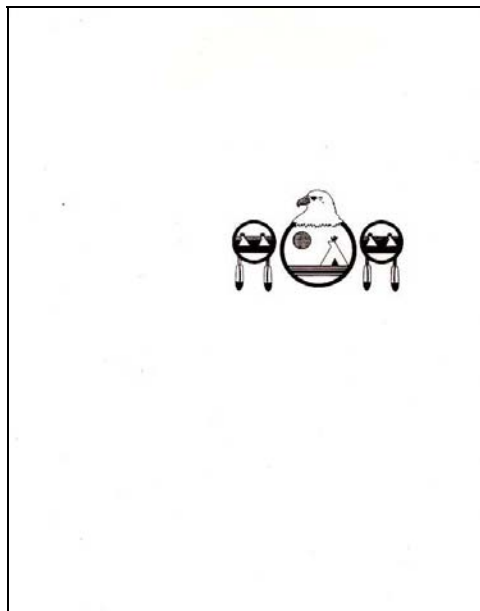
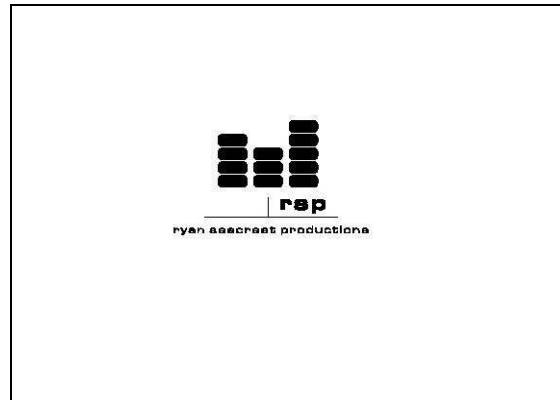
9/6/05: When in doubt, query.

9/7/05: When the following guidance below does NOT answer your questions, please email your question to TQR NonAtty before deciding to query the file.

General Instructions for Reviewing Drawings

A clear image of the mark is needed for reproducing the mark in the Official Gazette. Below are 5 examples of how the mark appears in the Trademark Publication Gazette

and how it will appear in the OG. The first 3 are incorrect. The drawing should fit in the rectangle as a clear depiction of the mark. The words, designs or other insignia should be identifiable. Images that appear small, unreadable or have a lot of white space surrounding the mark should be sent back to the law office for cropping/rescanning or for a new drawing.



9/27/05 – Instruction from Leslie to the Management Srs (just an FYI for the proofing contractor and reference for the COTR): You have been told that the proofing transaction will not accept a file in a status other than 681. This is incorrect. The transaction, 7165, is extremely powerful and will accept the following statuses 681, 686, 688, 689, 690, 692, 693, 694, 715, 747, 748, 773, 775, 777, 782, 783, 784, 785, 794, 802, 803, 818 or 819. The very powerful nature of the transaction is best evidenced by the SOUs sent back to pub in error.

The only thing necessary to get a file back to the proofers is to update the location code to 657 [that's a 6034 to 657]. That transaction will place the file on the next day's proofing report. There is no need to email Boc or anyone else in ITI and ask for expedited handling. At this point, the backlog has been significantly worked down [less than 8K cases] and the proofers are working in real time. For a variety of reasons, [see the last line, first paragraph] the proofers are NOT to proof cases that are not on the proofing report. So even if Boc wanted to expedite the application, she is not allowed to.

All that being said, if you find or are informed that a 692 status file cannot be set for the OG, please let me know as soon as possible. We will investigate.

9/30/05: Please keep a list of all 777's that require entry of the most recent amendment. Forward that list each week to Leslie Bishop and the COTR.

Per Leslie: [Who is supposed to enter the amendment depends on whether an opp was actually instituted.](#)

1505.02(d) Processing Amendments in Cases Where an Opposition Has Been Filed

If the applicant files an amendment after a notice of opposition has been filed, the Trademark Trial and Appeal Board will act on the amendment under 37 C.F.R. §2.133. The Board has jurisdiction in any application once an opposition has been filed. *See* TBMP §§514 *et seq.* for further information about amendment of an application during an opposition.

[If only an extension of time to oppose has been filed, then the law office is responsible.](#)

1505.02(b) Processing Amendments in Cases Where No Opposition Has Been Filed

Except for amendments to allege use filed in connection with §1(b) applications (*see* [TMEP §1104.04 <1100.htm>](#) regarding timely amendments to allege use located after publication, and [TMEP §1104.03\(c\) <1100.htm>](#) regarding amendments to allege use filed during the blackout period), Office personnel will route amendments filed after publication to the examining attorney.

If the examining attorney approves the amendment and republication is required, the examining attorney should send the applicant a letter advising the applicant that the amendment will be entered, that the mark will be republished, and that the applicant will receive a notice of the new publication date.

If the examining attorney determines that the amendment cannot be approved, the examining attorney should send the applicant a letter notifying the applicant that the

amendment cannot be approved. The examining attorney will explain the reason(s) why the amendment cannot be approved and advise the applicant that the applicant's recourse is to file a petition to the Director requesting that jurisdiction be restored to the examining attorney to consider the merits of the amendment. The examining attorney will then return the application to processing for issue without entry of the amendment.

10/21/05: Problems tramming files from the CM 154....please contact in this order: Kathy Dixon, Blake Pearl, and Joan Axilbund. Alert the COTR if you continue to have problems that OTPC is not resolving.

10/20/05, from Dewitt:

Proofers -- Continue to delete Descriptions of the Mark that are exact duplicates of the Color Location Statement.

Proofers --**Transliterations Another Issue** -- Transliterations that do not consist of a complete statement should be returned to the originating law office.

Example:

Incorrect -- **Woo Hip Har**

Correct -- **The Non Latin characters in the mark transliterate to Woo Hip Har.** or a similar statement

10/24/05, from Leslie – Use of J-Notes

Prior to tramming the files to the law office (transaction 6034), the contractor will input the reason the file is being returned (Proofing Queries) using J-Notes. J-Notes are electronic temporary notes that can be attached to an application. They should be used for instructions to others concerning actions required on a file. Unlike the “note to file” or F-note form, they are not part of the record and are not viewable by the public.

Worksteps:

A. To create a J-Note using PC TRAM

1. Double click on the PC Tram icon.
2. Enter the serial number.
3. On the right side of the screen, click on CREATE J-NOTES.
4. Enter Employee Number.
(Note: The user is required to input their individual employee number. The system tracks the employee number of the person who creates the note.)
5. Press Search.
6. Place an entry in the “title” box indicating the subject (*Ex. – Proofing Query - Clarify Assignment for Change of Name*). No more than 80 characters can be inputted.
7. Input additional information in the “J-Note” box. The body of the J-Note is optional. The text entered in the “J-Note” box gets displayed back EXACTLY as entered. This is not a word processor. If words break

across a line when you enter them, they will be displayed exactly the same way. Use the “Enter” key to make things readable.

8. When the note is completed, click the “Add J-Note” button. *(Note: J-Notes cannot be edited or added to once the “Add J-Note” button has been clicked.)*

B. To create a J-Note using the Intranet

1. Select Tram.
2. In the “General” area, select “J-Notes”.
3. Enter the serial number and employee number.
(Note: The user is required to input their individual employee number. The system tracks the employee number of the person who creates the note.)
4. Press Search.
5. Place an entry in the “title” box indicating the subject (*Ex. – Proofing Query - Clarify Assignment for Change of Name*). No more than 80 characters can be inputted.
6. Input additional information in the “J-Note” box. The body of the J-Note is optional. The text entered in the “J-Note” box gets displayed back EXACTLY as entered. This is not a word processor. If words break across a line when you enter them, they will be displayed exactly the same way. Use the “Enter” key to make things readable.
7. When the note is completed, click the “Add J-Note” button. *(Note: J-Notes cannot be edited or added to once the “Add J-Note” button has been clicked.)*

C. To delete or correct a J-Note

1. Click the delete button in the action field.
2. Once the note that was entered in error has been deleted, a new note can be entered.

D. To add a J-Note for a different serial number

1. Highlight the serial number in the “Enter Serial Number” box.
2. Input the new serial number.

10/26/05: For files on the CM 154 in 777 status, if these files have not been classified, you may find it easier to find the amended goods if the file is classified first.

10/26/05: For files on the CM 154 in 777 or 773 (2/25/06) status, if you cannot find the amended goods in TIGRS, you will need to look for them in TTABVUE.

11/1/05: If the proofers have issues with abandoned files on the CM 154, ask the photocomp coordinator to resolve them.

11/2/05: Dewitt says that the proofers are deleting color drawings data after the case passes the 6220/6122 edits which cause the cases to kick out of the OG because the same edits do not run on the proofer's OG transactions.

Color Drawing Requirements:

Color Drawing Current Flag = True

Color Claimed Statement

Color Location Statement or Description of Mark

12/1/05 – if the file on the CM 154 is flagged lost, you will not be able to assign it to an OG date. Notify Dora Best in TAC of the serial number and request the file be recreated so that it may be proofed and assigned to an issue. Keep a count of files that you could not proof, along with a list of the SN's, just in case the issue arises and the COTR requests this information from you.

12/12/05: In the goods and services of TEAS Plus applications, any brackets are programmatically removed and the text within the brackets is also removed. Do not query these case.

2/28/06: If the proofers determine after they have set the OG date, that the file really needed to go back to the Law Office for a query, then the TRAM transactions **MUST BE BACKED OUT**. This means you must email Janet Brisco, with a CC to Donald Britt, requesting that the file be withdrawn from pub immediately due to contractor operator error.

3/2/06: Per Joan: The proofers should be looking at OG Pub Review which shows the date an image was last updated if they are unsure of what is going on. The full OG printout (not the proofer's version, shows the Jnote history at the same time if they want to look at that using OG Pub Review rather than PCTram.)

3/9/06 – continue to email the Proofer's query report each day until March 31, 2006. Then, please stop sending this emailed report altogether.

4/21/06: stop issuing queries to set the amend basis flag to YES. The flags have outlived their useful life and we are in the process of eliminating them.

4/24/06 – If the daily CM 154 is not received because email is offline, wait 4 hours for email to come back online. If email is out of commission for more than 4 hours, or if email is not the reason the report is not received, contact the COTR who will contact the OCIO contractor to provide the report on CD. In the COTR's absence, call Lottie Coles or Betty Andrews in OTPC.